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09/895,458	06/29/2001	Andrew W. Allemann	021604.0109	9006

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/895,458

**Applicant(s)**

ALLEMANN ET AL.

**Examiner**

Susanna M. Diaz

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 14-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This non-final Office action is responsive to Applicant's election filed March 9, 2006.

Group I has been elected without traverse. Consequently, claims 1-13 are presented for examination and non-elected claims 14-55 are withdrawn from consideration. New rejections follow.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "such that the content *facilitates* goal alignment" (line 8). It is not clear what the scope of facilitating goal alignment is. What facilitates goal alignment for one person might not facilitate it for another person. Also, it is not clear how directly the content must relate to goal alignment. For example, knowing a company's name or organizational chart could facilitate goal alignment without actually displaying any specific goal data *per se*. Also, by merely facilitating or making it easier to align goals, it is not clear whether the claims are meant to cover the scope of actively aligning goals or whether the claims could simply refer to any activity that could potentially make it easier

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in the future to align goals. In other words, the metes and bounds of the claim are not clearly defined, thereby rendering the claim vague and indefinite.

Claim 2 recites “activating a wizard that facilitates goal modification.” Again, it is not clear what the scope of facilitating goal alignment is. What facilitates goal alignment for one person might not facilitate it for another person. Also, it is not clear how directly the content must relate to goal alignment. For example, knowing a company’s name or organizational chart could facilitate goal alignment without actually displaying any specific goal data *per se*. Also, by merely facilitating or making it easier to align goals, it is not clear whether the claims are meant to cover the scope of actively aligning goals or whether the claims could simply refer to any activity that could potentially make it easier in the future to align goals. In other words, the metes and bounds of the claim are not clearly defined, thereby rendering the claim vague and indefinite.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by eWorkbench, as disclosed in Meyer (“eWorkbench: Real-time Tracking of Synchronized Goals) and Dutton (“Making Reviews More Efficient and Fair”).

eWorkbench discloses a guidance process of maintaining goals in a system with at least first and second goal types so as to promote goal alignment, the guidance process comprising:

[Claim 1] providing a first rule for relationships between goals of the first goal type (Meyer: ¶¶ 4, 15 -- Associating a set of goals with a particular person is an example of a rule for each set of goals);

providing a second rule for relationships between goals of the first goal type and goals of the second goal type (Meyer: ¶¶ 4, 15 -- A linkage between a worker's goals and those of his/her manager is an example of a second rule for relationships between goals of a first goal type, e.g., those belonging to a worker or manager, and goals of a second goal type, e.g., those belonging to a manager or worker); and

determining content for a user interface, based on the first and second rules, such that the content facilitates goal alignment (Meyer: ¶¶ 2, 4, 15 -- A hierarchy of goals is displayed in relation to a user and his/her subordinates, for example; Dutton: ¶ 10).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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eWorkbench, as disclosed in Meyer ("eWorkbench: Real-time Tracking of Synchronized Goals) and Dutton ("Making Reviews More Efficient and Fair"), as applied to claim 1 above, in view of CultureWorx, as disclosed in Dutton ("Making Reviews More Efficient and Fair"), and further in view of Elliott ("Power-Charging People's Performance").

eWorkbench discloses a guidance process of maintaining goals in a system with at least first and second goal types so as to promote goal alignment, the guidance process comprising:

[Claim 2] determining content for user interfaces comprises automatically customizing content for a screen capable of being displayed by the wizard, based on at least one of the first rule and the second rule (Meyer: ¶ 4: "By clicking on the 'Align' button, the user is presented with a list of his manager's goals; he then clicks on the appropriate one to link it with his own. Managers also can create and automatically cascade goals down to their direct reports"; Meyer: ¶ 15: "eWorkbench can provide a report that documents the hierarchy of aligned goals. This report shows how goals are connected to one another and who owns what").

As per claims 2-4, eWorkbench provides help in the form of automated interaction with a user, which is construed as a wizard (Meyer: ¶¶ 2-4), yet eWorkbench does not expressly teach that the wizard is activated to facilitate goal modification; however, the CultureWorx automated system interactively coaches managers (Dutton: ¶¶ 24-25), promotes goal alignment within an organization, and provides managers with the continuous feedback that they need to "allow them to make strategic adjustments

within their departments to better align their work to corporate goals... CultureWorx keeps the corporate goals to the fore, helping employees avoid tailoring their goals to particular incentives.” (Dutton: ¶ 25) In other words, CultureWorx encourages goal modification (i.e., “strategic adjustments”) as needed to align employees’ goals with corporate ones. Both eWorkbench and CultureWorx are geared toward organizational goal alignment; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to specifically adapt eWorkbench to activate a wizard that facilitates goal modification in order to encourage workers to modify their behavior in order to more successfully promote corporate goals, as suggested in the disclosure of CultureWorx. Elliott further reiterates the importance of an organization’s ability to effectively communicate organizational goals to employees since “people perform best when they know what their organization is trying to accomplish and what their contributions are to achieving that.” (Elliott: ¶ 11)

Further regarding claim 3, eWorkbench allows workers and managers to associate goals with the people and departments in charge of the goals as well as with parent goals from a list of parent goals (Meyer: ¶¶ 2-4, 9), yet eWorkbench does not expressly teach that the team is selected from a drop-down list of teams. However, Official Notice is taken that it is old and well-known in the art of interactive software programming to allow users to make selections from a drop-down list in order to facilitate more efficient access to and evaluation of available options. Therefore, since eWorkbench’s workers may have to align their goals with multiple available managers and “workers see how their goals fit into their department’s objectives (Meyer: ¶ 4), the

Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWorkbench to allow users to select a team from a drop-down list of teams in order to facilitate more efficient access to and evaluation of the available team options.

Additionally, as per claims 4 and 5, eWorkbench does not expressly teach, in response to modification of the goal, automatically determining whether a child goal exists for the goal and, in response to determining that the child goal does exist, automatically flagging the child goal to cause a user interface for an owner of that child goal to indicate that the child goal should be checked for alignment (claim 4). eWorkbench also fails to expressly disclose determining that the owner has verified the alignment of the child goal and, in response to determining that the owner has verified the alignment, automatically unflagging the child goal (claim 5). However, as discussed above, Elliott emphasizes the importance of an organization's ability to effectively communicate organizational goals to employees since "people perform best when they know what their organization is trying to accomplish and what their contributions are to achieving that." (Elliott: ¶11) Obtaining feedback from a person (e.g., in the form of a questionnaire, a written examination, or a simple conversation) has long been used as a technique to assess a person's understanding in relation to a given topic. The steps of claims 4 and 5 are analogous to such a feedback technique. By flagging a child goal until alignment of the child goal is verified, it is effectively being confirmed that the owner of the child goal has a clear understanding of his/her required contributions toward meeting that child goal, which is clearly set forth by Elliott as being crucial to



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aligning goals and facilitating smoother operation of an organization. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWorkbench to perform the steps of claims 4 and 5 in order to promote a clearer understanding of each worker's required contributions toward meeting a child goal, which is clearly set forth by Elliott as being crucial to aligning goals and facilitating smoother operation of an organization

Regarding claim 6, eWorkbench does not expressly teach that the step of determining content for user interfaces comprises automatically flagging the goal for supervisory approval in response to determining that the user has a supervisor. However, eWorkbench does make it clear that worker goals are linked with those of their bosses, "all the way to the top" (Meyer: ¶ 2). "eWorkbench is a practical vehicle for obtaining real-time information on progress toward goals at every level of the organization...eWorkbench helps assure that everyone from top to bottom in an organization understands how they contribute to business results" (Meyer: ¶17). Clearly, eWorkbench envisions visibility of goal alignment through the organization. Furthermore, Official Notice is taken that it is old and well-known in the art of business management for managers to report to another supervisor who oversees both the performance of the managers as well as the managers' subordinates. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify eWorkbench such that the step of determining content for user interfaces comprises automatically flagging the goal for supervisory approval in response to determining that the user has a supervisor in order

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to facilitate the ability of high-level management to efficiently monitor the performance of both managers and their subordinates and respond to any problems that might affect the organization's ability to meet its goals.

eWorkbench discloses a guidance process of maintaining goals in a system with at least first and second goal types so as to promote goal alignment, the guidance process comprising:

[Claim 7] wherein determining content for user interfaces comprises:

populating objects for a graphical user interface with alignment information and warnings (Meyer: ¶¶ 2-5, 7, 9, 16); and

providing connections to tools for checking alignment (Meyer: ¶¶ 2-5, 7, 9, 16);

[Claim 8] wherein populating objects for a graphical user interface with alignment information and warnings comprises specifying an appearance for at least one of a manager warning object, a feedback warning object, and an alignment warning object (Meyer: ¶¶ 2-5, 7, 9, 16).

### ***Allowable Subject Matter***

8. Claims 9-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

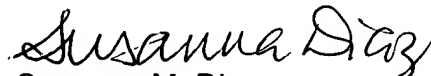
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**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

May 29, 2006